

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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DEPUTY CLERK

JOWELL C. BULLARD, ET AL.

Plaintiffs,

v.

BABCOCK & WILCOX  
TECHNICAL SERVICES  
PANTEX, LLC,

Defendant.

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CIVIL ACTION NO. 2-07CV-049-J

**APPELLANT BABCOCK & WILCOX TECHNICAL SERVICES, LLC'S**  
**NOTICE OF APPEAL**

TO THE DISTRICT CLERK OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION:

Pursuant to Federal Rule of Appellate Procedure 3, Appellant Babcock & Wilcox Technical Services Pantex, LLC ("B&W Pantex"), files this Notice of Appeal and would show the Court as follows:

1. Appellant B&W Pantex, represented by the undersigned counsel, is the party taking this appeal.

2. Appellant B&W Pantex's Notice of Appeal is filed to appeal, in part, the District Court's Judgment dated August 24, 2009, in Civil Action No. 2-07CV-049-J, styled *Bullard et al., Appellees v. BWXT Pantex, Appellant*, in the United

States District Court for the Northern District of Texas, Amarillo Division, the Honorable Mary Lou Robinson presiding.

3. Pursuant to Federal Rule of Appellate Procedure 4(a)(4)(A) and the District Court's Order dated September 9, 2009, the Judgment became final and appealable when the District Court disposed of Plaintiff's Motion for Attorney's Fees and Costs by denying the motion as moot by Order dated April 16, 2010.

4. Appellant B&W Pantex has filed a Notice of Appeal and intends to appeal, in part, the District Court's Judgment dated August 24, 2009. Appellant B&W Pantex appeals the District Court's determination in the Judgment that the Desk Lieutenant, Administrative Lieutenant, Curriculum Developer, and Fire Lieutenant positions, and the seven (7) employees who held those positions for some or all of the relevant time period, were willfully misclassified as exempt employees under the Fair Labor Standards Act ("FLSA"). Appellant B&W Pantex does not appeal the District Court's finding that these job positions and employees were misclassified as exempt, but does appeal the District Court's finding of "willful" violations of the FLSA. Appellant B&W Pantex also appeals the District Court's application of a three-year statute of limitations to the claims of all successful Plaintiffs, and the damages awarded to certain successful Plaintiffs in the Judgment as a result of the District Court's application of a three-year statute of limitations to their claims.

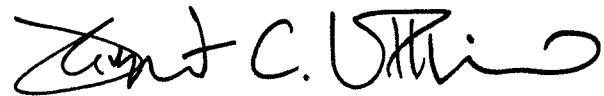
5. This appeal will be taken to the United States Court of Appeals for the Fifth Circuit.

6. Appellant B&W Pantex has sent payment to the District Court Clerk for all required fees, pursuant to Federal Rule of Appellate Procedure 3(e).

Respectfully submitted,

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Robert C. Vartabedian

**ATTORNEYS FOR APPELLANT,  
BABCOCK & WILCOX TECHNICAL  
SERVICES PANTEX, LLC**

**CERTIFICATE OF SERVICE**

This is to certify that on the 27<sup>th</sup> day of April, 2010, a true and correct copy of the above and foregoing document was served as follows:

Michael A. Warner  
The Warner Law Firm  
101 S.E. 11<sup>th</sup>, Suite 301  
Amarillo, TX 79101

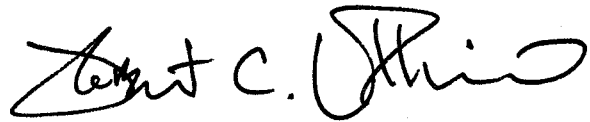
*Via E-mail to mike@thwarnerlawfirm.com  
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**ATTORNEYS FOR APPELLEES,  
BULLARD, ET AL.**

By:



Robert C. Vartabedian

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